

THE HONORABLE MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

BOARD OF TRUSTEES OF THE
EMPLOYEE PAINTERS' TRUST; BOARD
OF TRUSTEES OF THE WESTERN
WASHINGTON PAINTERS DEFINED
CONTRIBUTION PENSION TRUST; BOARD
OF TRUSTEES OF THE DISTRICT
COUNCIL NO. 5 APPRENTICESHIP AND
TRAINING TRUST FUND; BOARD OF
TRUSTEES OF THE INTERNATIONAL
PAINTERS AND ALLIED TRADES
INDUSTRY PENSION FUND; BOARD OF
TRUSTEES OF THE FINISHING TRADES
INSTITUTE; BOARD OF TRUSTEES OF
THE PAINTERS AND ALLIED TRADES
LABOR MANAGEMENT COOPERATION
INITIATIVE; WESTERN WASHINGTON
SIGNATORY PAINTING EMPLOYERS
ASSOCIATION; and INTERNATIONAL
UNION OF PAINTERS AND ALLIED
TRADES DISTRICT COUNCIL NO. 5,

Plaintiffs,

vs.

CHAMPION PAINTING SPECIALTY
SERVICES CORP, a Florida corporation;
CARLOS HERNANDEZ, an individual;
BERKSHIRE HATHAWAY SPECIALTY
INSURANCE COMPANY, a Nebraska
corporation; OLD REPUBLIC SURETY
COMPANY, a Wisconsin corporation;
LIBERTY MUTUAL INSURANCE

CASE NO.: 2:21-cv-00858-MJP

**FIRST STIPULATED MOTION TO
EXTEND DEADLINE TO RESPOND
TO COMPLAINT AND INITIAL
SCHEDULING DATES**

**NOTE ON MOTION CALENDAR:
August 31, 2021**

**FIRST STIPULATED MOTION TO
EXTEND DEADLINE TO RESPOND TO
COMPLAINT AND INITIAL
SCHEDULING DATES**

Case No. 2:21-cv-00858

COMPANY, a Massachusetts corporation;
WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION, a political subdivision of
the State of Washington; ROGNLIN'S, INC., a
Washington corporation; DOES & ROES I-X,

Defendants.

Plaintiffs Board of Trustees of the Employee Painters' Trust, *et al.*, acting by and through
their Counsel, Christensen James & Martin, and Defendants Champion Painting Specialty
Services Corp and Carlos Hernandez, acting by and through their Counsel, Fox Rothschild, LLP,
hereby stipulate and agree as follows:

1. The Complaint in this matter was filed on June 25, 2021 [ECF No. 1].
2. Immediately after filing the Complaint, Counsel for Plaintiffs and Defendants
Champion Painting Specialty Services Corp and Carlos Hernandez engaged in extended
settlement discussions.
3. The Plaintiffs held issuance of summons and service of process on all Defendants
to allow time for the settlement discussions to progress and avoid unnecessary fees and costs in
this matter.
4. Settlement discussions were delayed in part due to impacts from COVID-19 on
Defendants' management team.
5. On July 26, 2021, the Court issued its Order Regarding Initial Disclosures, Joint
Status Report, and Early Settlement [ECF No. 3] ("Initial Scheduling Order"), setting the
following dates for initial disclosure and submission of the Joint Status Report and Discovery
Plan:

- i. Deadline for FRCP 26(f) Conference: 8/23/2021;
- ii. Initial Disclosures Pursuant to FRCP 26(a)(1): 8/30/2021; and

FIRST STIPULATED MOTION TO
EXTEND DEADLINE TO RESPOND TO
COMPLAINT AND INITIAL
SCHEDULING DATES

Case No. 2:21-cv-00858

1 iii. Combined Joint Status Report and Discovery Plan as Required by FRCP
2 26(f) and Local Civil Rule 26(f): 9/7/2021.

3 6. A copy of the Initial Scheduling Order was provided to counsel for Defendants
4 Champion Painting Specialty Services Corp and Carlos Hernandez by Plaintiffs' counsel on July
5 26, 2021.

6 7. This matter has not been scheduled for trial and there are no motions currently
7 pending before the Court.

8 8. To avoid further delay in this matter, the Plaintiffs submitted proposed Summons
9 to the Court on August 27, 2021 [ECF No. 4].

10 9. Summons were issued as to all Defendants on August 27, 2021 [ECF No. 5].

11 10. On August 31, 2021, Defendants Champion Painting Specialty Services Corp and
12 Carlos Hernandez accepted service of the Summons and Complaint [ECF No. 6].

13 11. Plaintiffs are proceeding with service of process on all other Defendants.

14 12. No Defendants have filed an answer or responsive pleading.

15 13. Counsel for Plaintiffs and Defendants Champion Painting Specialty Services Corp
16 and Carlos Hernandez are continuing to discuss settlement and believe that settlement may be
17 possible and is in the best interests of all parties;

18 14. Plaintiffs and Defendants desire to extend the responsive pleading deadline and
19 other deadlines in this matter to allow time for the parties to fully explore settlement before
20 significant fees and costs are incurred.

21 15. Plaintiffs and Defendants hereby move the Court for an extension of the deadline
22 for Defendants Champion Painting Specialty Services Corp and Carlos Hernandez to answer or
23 otherwise respond to the Complaint to September 30, 2021.

24 16. Plaintiffs and Defendants propose that the other deadlines set in the Initial
25 Scheduling Order be extended as follows:

FIRST STIPULATED MOTION TO
EXTEND DEADLINE TO RESPOND TO
COMPLAINT AND INITIAL
SCHEDULING DATES

Case No. 2:21-cv-00858

- a. Deadline for FRCP 26(f) Conference: 10/22/2021;
- b. Initial Disclosures Pursuant to FRCP 26(a)(1): 10/29/2021; and
- c. Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Civil Rule 26(f): 11/5/2021.

17. This is the first request for an extension of time to file responsive pleadings or for any case deadlines and is not requested to cause delay or for any other improper purpose.

DATED this 31st day of August, 2021.

CHRISTENSEN JAMES & MARTIN
By: /s/ Wesley J. Smith
Wesley J. Smith, WSBA # 51934
7440 W. Sahara Ave.
Las Vegas, NV 89117
T: (702) 255-1718
wes@cjmlv.com
*Counsel for Plaintiffs Board of Trustees of
the Employee Painters' Trust, et al.*

FOX ROTHSCHILD LLP
By: /s/ Mary DePaolo Haddad
Mary DePaolo Haddad, WSBA #30604
1001 4th Ave Ste 4500
Seattle, WA 98154
T: (206) 389-1601
mhaddad@foxrothschild.com
*Counsel for Defendants Champion Painting
Specialty Services Corp and Carlos
Hernandez*

IT IS SO ORDERED.



Marsha J. Pechman
United States Senior District Judge

Dated: September 1, 2021

FIRST STIPULATED MOTION TO
EXTEND DEADLINE TO RESPOND TO
COMPLAINT AND INITIAL
SCHEDULING DATES

Case No. 2:21-cv-00858